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13 ODYSSEY THERA, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

18 VALLEY FORGE INSURANCE
19 COMPANY and CONTINENTAL
CASUALTY COMPANY

20 Plaintiffs.

v.

22 ODYSSEY THERA, INC.

Defendant.

CASE NO. C12-00227

**STIPULATION AND [PROPOSED]
ORDER REGARDING BRIEFING
AND HEARING SCHEDULE FOR
CROSS-MOTIONS FOR SUMMARY
JUDGMENT AS MODIFIED**

~~DECLARATION OF RAYMOND H.
SHEEN~~

1 ODYSSEY THERA, INC.,
2 Cross-Claimant,
3 v.
4 VALLEY FORGE INSURANCE
5 COMPANY, CONTINENTAL CASUALTY
6 COMPANY, and SCOTTSDALE
INSURANCE COMPANY,
7 Cross-Defendants.

8
9 Pursuant to Local Rules 6-1, 6-2 and 7-12 of this Court, Plaintiffs VALLEY FORGE
10 INSURANCE COMPANY and CONTINENTAL CASUALTY COMPANY (collectively,
11 "Plaintiffs") and Defendant ODYSSEY THERA, INC. ("Odyssey") hereby stipulate as follows:

12 1. On June 8, 2012, Plaintiffs filed a Summary Judgment Motion ("Plaintiffs'
13 Motion") with a hearing date of July 27, 2012.

14 2. Odyssey's Opposition to Plaintiffs' Motion is due on June 22, 2012. Plaintiffs'
15 Reply re Plaintiffs' Motion is due on June 29, 2012.

16 3. On June 11, 2012, the Court notified the parties that the hearing on Plaintiffs'
17 Motion was continued from July 27, 2012 to August 31, 2012, but the briefing schedule remained
18 unchanged.

19 4. Odyssey intends to file a Cross-Motion for Partial Summary Judgment ("Odyssey's
20 Motion") against Plaintiffs. As set forth in the attached Declaration of Raymond Sheen ("Sheen
21 Declaration"), the issues raised in Odyssey's Motion will overlap significantly with the issues
22 raised in Plaintiffs' Motion.

23 5. To streamline the briefing of the Cross-Motions, and reduce the overall number of
24 briefs submitted to the Court, the Parties seek to extend and coordinate the briefing schedules and
25 hearings for Plaintiffs' Motion and Odyssey's Motion for the reasons set forth in the Sheen
26 Declaration.

27 6. The Parties believe that the requested time modification will not have any effect or
28 impact on the schedule for the case or the hearing on the two motions. The parties do not seek to

extend the present hearing date of August 31, 2012.

THEREFORE the parties stipulate to and request the Court's approval of the following briefing and hearing schedule in connection with Plaintiffs' Motion and Odyssey's Motion:

Odyssey's Filing of Combined (a) Opposition July 20, 2012
to Plaintiffs' Motion; and (b) Odyssey's
Motion

Plaintiffs' Filing of Combined (a) Reply re August 3, 2012
Plaintiffs' Motion; and (b) Opposition to
Odyssey's Motion

Odyssey's Filing of Reply Brief re Odyssey's Motion August 10, 2012

Hearing on Plaintiffs' Motion and Odyssey's Motion August 31, 2012

IT IS SO AGREED.

Dated: June 12, 2012

**COLLIAU ELENIUS MURPHY
CARLUCCIO KEENER & MORROW**

By: /s/ Robert C. Christensen
Robert C. Christensen

Attorneys for Plaintiffs
VALLEY FORGE INSURANCE
COMPANY and CONTINENTAL
CASUALTY COMPANY

Dated: June 12, 2012

JONES DAY

By: /s/ Raymond H. Sheen
Raymond H. Sheen

Attorneys for Defendant and Cross-Claimant
ODYSSEY THERA, INC.

The case management conference is CONTINUED from August 31, 2012 to October 5, 2012 at 1:30 pm.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: June 13, 2012

THE HONORABLE JEFFREY S. WHITE
U.S. DISTRICT COURT JUDGE